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April 24, 2020

**VIA ECF**

Hon. Magistrate Judge Vera M. Scanlon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Home It, Inc. v. Wen et al*  
Case No.: 1:19-cv-07070 (RPK)(VMS)

Dear Judge Scanlon:

I am counsel to the Plaintiff in this action and write in response to Your Honor's Scheduling Order of April 16, 2020 (Dkt. # 22). Plaintiff's intention is to shortly file an Ex Parte Notice of Dismissal under FRCP Rule 41(a), for the reasons explained below. In addition, we note that Defendants have not filed an answer or other response to the Complaint.

The China-based Defendant Wupin Wen (an individual) did not file any response to the Complaint or otherwise, despite being contacted numerous times directly by email and indirectly through her China-based trademark representative, Trynow (which is the second named Defendant). The other Defendant, Shenzhen Trynow IP Co. ("Trynow"), which is a China-based IP office, initially responded through United States counsel, however, that counsel later advised that his authority to appear and act on behalf of the Defendant Trynow had been revoked. In short, the Defendants, both of whom have received and been fully informed about this action have refused to appear, or even acknowledge Plaintiff's notices.

The Defendant Wen registered the trademark SAGANIZER using fraudulent documents and making false assertions to the United States Patent and Trademark Office ("PTO"). Later, Wen asked Amazon to stop the Plaintiff's sales of its SAGANIZER

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United States District Court  
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brand goods, which moved Plaintiff to file this action.

After the filing of this action, Plaintiff filed a Cancellation Proceeding in the PTO asking that Ms. Wen's registered trademark SAGANIZER be cancelled, on the ground of fraud in its procurement. Ms. Wen defaulted, and the PTO issued, on March 27, 2020, a Notice of Default. Plaintiff expects Ms. Wen's registered mark SAGANIZER to become officially cancelled within the next four weeks. Parenthetically, Plaintiff simultaneously filed to register the trademark SAGANIZER in its own name, and expects to soon become the official registered owner of that trademark.

In effect, the Plaintiff will soon realize the relief it wanted from this Court, through the procedures and determinations of the PTO.

Plaintiff respectfully requests to be allowed sixty (60) days in which to file its contemplated Notice of Dismissal of this action. Defendants are being copied on this communication via the email addresses below.

Respectfully submitted,

/s/Max Moskowitz

Max Moskowitz

Ariel Peikes

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